

530

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY2 Name COTTONHAM, MARK
(Last) (First)A
(Initial)

JUN 19 2008

3 Prisoner Number 2326138 SF # 3774954 Institutional Address 850 BRYANT ST. County JAIL
5 SAN FRANCISCO CA 94103 HALL of JUSTUS**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**8 COTTONHAM, MARK, A
(Enter the full name of plaintiff in this action.)

CV 08

3028

9 Case No.
(To be provided by the clerk of court)10 SUPERIOR COURT OF THE STATE
11 OF CALIFORNIA IN AND FOR THE
12 COUNTY OF SAN FRANCISCO
13 HALL of JUSTUS County JAIL
(Enter the full name of respondent(s) or jailor in this action)**PETITION FOR A WRIT
OF HABEAS CORPUS**VRW
(PR)**Read Comments Carefully Before Filing In****When and Where to File**

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

008-03028-VRW

1 3. Did you have any of the following?

2 Arraignment:

Yes No _____

3 Preliminary Hearing:

Yes No _____

4 Motion to Suppress:

Yes _____ No

5 4. How did you plead?

6 Guilty _____ Not Guilty _____ Nolo Contendere

7 Any other plea (specify) _____

8 5. If you went to trial, what kind of trial did you have?

9 Jury Judge alone _____ Judge alone on a transcript _____

10 6. Did you testify at your trial?

Yes _____ No

11 7. Did you have an attorney at the following proceedings:

12 (a) Arraignment

Yes No _____

13 (b) Preliminary hearing

Yes No _____

14 (c) Time of plea

Yes No _____

15 (d) Trial

Yes No _____

16 (e) Sentencing

Yes No _____

17 (f) Appeal

Yes _____ No

18 (g) Other post-conviction proceeding

Yes _____ No

19 8. Did you appeal your conviction?

Yes _____ No

20 (a) If you did, to what court(s) did you appeal?

21 Court of Appeal Yes _____ No _____

22 Year: _____ Result: _____

23 Supreme Court of California Yes _____ No _____

24 Year: _____ Result: _____

25 Any other court Yes _____ No _____

26 Year: _____ Result: _____

27 (b) If you appealed, were the grounds the same as those that you are raising in this

1 petition? Yes _____ No _____

2 (c) Was there an opinion? Yes _____ No _____

3 (d) Did you seek permission to file a late appeal under Rule 31(a)?

4 Yes _____ No

5 If you did, give the name of the court and the result:

6 _____

7 _____

8 9. Other than appeals, have you previously filed any petitions, applications or motions with respect to
9 this conviction in any court, state or federal? Yes _____ No

10 [Note: If you previously filed a petition for a writ of habeas corpus in federal court that
11 challenged the same conviction you are challenging now and if that petition was denied or dismissed
12 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit
13 for an order authorizing the district court to consider this petition. You may not file a second or
14 subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28
15 U.S.C. §§ 2244(b).]

16 (a) If you sought relief in any proceeding other than an appeal, answer the following
17 questions for each proceeding. Attach extra paper if you need more space.

18 I. Name of Court: _____

19 Type of Proceeding: _____

20 Grounds raised (Be brief but specific):

21 a. _____

22 b. _____

23 c. _____

24 d. _____

25 Result: _____ Date of Result: _____

26 II. Name of Court: _____

27 Type of Proceeding: _____

28 Grounds raised (Be brief but specific):

1 a. _____

2 b. _____

3 c. _____

4 d. _____

5 Result: _____ Date of Result: _____

6 III. Name of Court: _____

7 Type of Proceeding: _____

8 Grounds raised (Be brief but specific):

9 a. _____

10 b. _____

11 c. _____

12 d. _____

13 Result: _____ Date of Result: _____

14 IV. Name of Court: _____

15 Type of Proceeding: _____

16 Grounds raised (Be brief but specific):

17 a. _____

18 b. _____

19 c. _____

20 d. _____

21 Result: _____ Date of Result: _____

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes _____ No

24 Name and location of court: _____

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to
27 support each claim. For example, what legal right or privilege were you denied? What happened?

28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

EVERY THING
THAT HAPPEN
BETWEEN 7-6-07 TO 4-15-08

4-15-08

MY NAME IS MARK Cottonham, I USED TO STAY AT 20 12th ST
#504 CIVIC CENTER HOTEL. FROM 2/18/05 TO 7-25-07
I WAS GOING TO COURT FOR A UNLAWFUL DETENTION
COUNTER CLAIM, I WAS TO APPEAR AT 400 MCALLISTER ST
SAN FRANCISCO C.A. ON 7-10-07; BUT BEFORE THAT HAPPENED
ON 7-6-07, 6 UNDER COVER POLICE OFFICERS CAME IN
MY ROOM AT THE CIVIC CENTER HOTEL WITH A KEY
PROVIDED BY THE MANGER, ORDER TO THE FLOOR AND
TAKEN TO JAIL AND CHARGE WITH 6 COUNTS OF RESISTING
ARREST, AND BAIL WAS SET AFTER I WENT TO COURT
ON 7-10-07 FOR \$20,000, SO I BAIL OUT AND IMMEDIATELY
WENT TO ACCESS CENTER 575 POLK ST SAN FRANC. C.A.
FOR HELP WITH FILING A DEFAULT OVER TRON PAPER WITH
THE COURTS, BECAUSE WHEN I WAS ARRESTED ON 7-6-07
I WAS UNABLE TO ^{MAKE} MY COURT DATE FOR MY ROOM.
I WAS GIVEN ANOTHER COURT DATE FOR MY ROOM,
ON 8/1/07, BUT AGAIN BEFORE I WAS ABLE TO MAKE
THAT COURT APPEARANCE I WAS ARRESTED. ON 7-25-07,
AND CHARGE WITH 10 COUNTS EVERY THING FROM RAPE
TO KIDNAPING AND GIVEN A \$300,000 BAIL. THEY (POLICE)
HAD PAID THIS GIRL THAT I HAD SEX WITH 3 TIMES
TO LIE ON ME, SO THAT I'LL BE UNABLE TO MAKE ANY
OTHER COURT DATES ABOUT MY ROOM AT 20 12th ST #504
NOW WHAT I HAD FOUND OUT WHEN AT THE ACCESS CENTER
IS THAT THE NEW OWNER OF MY HOTEL (BILL THEAKOR)
OWNS 10 BUILDINGS IN SAN FRANCISCO C.A. THAT HE TRON'S
INTO S.R.O'S FOR THE CITY & COUNTY OF SAN FRANCISCO
AND THEY GIVE HIM KICKS BACK AND TAXES BREAKS

7-6-07 TO 4-15-08

THAT HOW HE (BILL THEAKOR) WAS ABLE TO HAVE THE POLICE, D.A, & SHERIFF DO WHAT HE WANTED, SO NOT ONLY ENDURANING BEING FALSELY ARRESTED AND EVICTED FROM my ROOM, BUT NOW I FACING 30 yrs IN JAIL, NOW WHILE IN JAIL I WAS CONSTANTLY BEING HARRASS BY THE DEPUTYS GETTING WROTE UP DAILY, GOT SHOULDER REINJURDED, TRUCK IN TO A JUNKY BY THE JAIL DOCTORS (GIVEN ME 240 milligrams of MORFIN: Also 40 milligrams of OXYCOTON DAILY) AND GIVEN DEFENSE ATTORNEY'S THAT WAS WORKING FOR BOTH SIDES, LIKE my 2ND ATTORNEY (FRANZ ^{FUETSCH} ~~████████~~) WAS ALSO THE ATTORNEY FOR THE █████ SHERIFFS DEPT. AT THE SAME TIME HE WAS SUPPOSED TO BE DEFENDING ME? WELL WHEN I TOOK THEM ALL THE WAY TO JURY TRIAL, WHILE IN THE MIDDLE OF THE JURY TRIAL THE OWNER OF MY BUILDEN (CIVIC CENTER HOTEL) SENT HIS ATTORNEY TO SEE ME IN JAIL AND TOLD ME IF I SIGN A RELEASE FOR MY ROOM THAT ALL OF MY CHARGES WILL GO AWAY SO ON 12/17/07 I SIGNED THE RELEASE PAPER AND ON 12-18-07 I WENT FROM 30YRS POSSIBLY IN PRISON TO 3yr PROBATION AND WAS RELEASED."

NOW PROBATION NEVER LIKES ME, SO WHILE I WAS OUT FROM 12-18-07 UNTIL 1/18/08 I STAYED IN CONSTANT CONTACT with my ATTORNEY (FRANZ ^{FUETSCH} ~~████████~~) DAY BEFORE I WAS TO RETRUN TO COURT FOR SENTENCING my ATTORNEY CALLS ME AND SAY "I HOPE YOU DID WHAT THEY WANTED you TO DO" I ASK WHAT ARE YOU TALKING ABOUT?

7-6-07 TO 4-15-08

THEY SENT YOU A LETTER (PROBATION DEPT) AND TOLD YOU TO REPORT? SO I CALL MY MOTHER AND ASK IF SHE HAD THROWN AWAY ANY MAIL, SHE SAID NO. SO I WENT TO COURT ON 1/18/08 AND WAS ARRESTED BECAUSE THEY SAID I DIDN'T FOLLOW ORDERS. NOW ALL THE TIME IN COURT MY ATTORNEY (FRANCIS ~~ESTES~~) DIDN'T ASK WHAT ORDERS. ALSO WERE DID THEY SEND THE LETTER ASKING ME TO REPORT, WELL COME TO FIND OUT, THEY (PROBATION DEPT) SENT THE REPORT LETTER TO 20 12TH ST CIVIC CENTER HOTEL, NO ROOM NUMBER EVEN THOUGH THERE'S OVER 500 ROOMS IN THAT BUILDING, ALSO THEY (PROBATION DEPT) KNEW THAT MY ADDRESS WAS 670 THORNTON AVE, ALSO THAT I've HAD THE SAME PHONE NUMBER FOR THE PAST 7 yrs REMEMBER I HAD JUST SUCCESSFULLY COMPLETED A 3 yrs PROBATION, SO THE PROBATION OFFICE KNEW MY ADDRESS ALSO MY PHONE NUMBER. SO I STAYED IN JAIL ANOTHER 20 DAYS LOSING ANOTHER APARTMENT ALSO (HERE'S WHERE IT GETS INTERESTING) THE PROBATION DEPT GIVES ME NIXON LAZARO AS MY PROBATION OFFICER, AND HIS OFFICE JUST HAPPEN TO BE IN THE SAME ROOM AS THE HEAD PROBATION OFFICER MIS WRIGHT (Bitch) WHO THINKS SHE RUN'S DEPT 15, COURT ROOM. I WAS TOLD THAT I HAD TO DO 52 WEEKS OF DOMESTIC VIOLENCE CLASS. AT 1700 JACKSON ST 10 MILES ACROSS TOWN, I ASK WHY WAS I BEING SENT ACROSS TOWN WHEN THEY HAVE D.V. CLASS RIGHT IN MY NEIGHBORHOOD? (ALL READY HEAVES IT)

7-6-07 to 4-15-08

NOTHER CROSS) SO THE FRIST TIME I WENT TO THE CENTER FOR SPECIAL PROBLEM, ON 1700 JACKSON ST SAN FRANCISCO C.A. I HAD A APPOINTMENT FOR 1:30 PM I ARRIVE AT 1:15 PM, WHEN 1:30 CAME NO ONE HAD SEEN ME YET THEN 1:45 nothing yet 2:00 nothing yet, SO I CALLED MY PROBATION OFFICER (NIXON LAZAR AND LEFT A MESSAGE THAT I WAS AT MY AUNTY'S FUNERAL AND I STILL HAD PEOPLE IN MY R.V. ON THE WAY TO THE GRAVE YARD, SO I HAD TO LEAVE, BUT I HAD CALL AND MADE ANOTHER APPOINTMENT FOR 4-1-08, WHEN I RETURN TO COURT THIS WEIGHT IN DEPT. 15, CALL ME MANIPULATIVE. AND TRYED TO GET MY PROBATION REVOKE, THAT CAUSE ME TO HAVE CHEST PAINS CAUSE BY STRESS, I'VE BEEN SEEING A PSYCHOLOGIST AT BAYVIEW MENTAL HEALTH CENTER FOR THE PAST 5 yrs (which is a part of SAN FRANCISCO MENTAL HEALTH) THE SAME MENTAL HEALTH GROUP THAT THE CENTER FOR SPECIAL PROBLEM'S BELONGS TO. I ALSO SEE A PRIMARY CARE DOCTOR AT ST. LUKES HOSPITAL, ONCE A MONTH. FOR MY SHOULDER, SO WHEN I WAS INTERVIEWED AT C.S.P THEY WANTED ME TO SIGN A PAPER STATING THAT I'M VOLENTERING TO BE SEEN AT THERE FACILITY, SO THEY CAN CHARGE MY MEDICAL FOR THERE SERVICES, WHICH IN FACT I WAS ORDER THERE UNDER THE THREAT OF IMPRISONMENT SO I COULDNT LIE, SO I WAS UNAIRE TO SIGN THAT PAPER ALSO MY PRIMARY CARE DOCTOR ALSO MY PSYCHOLOGIST TOLD ME NEVER TO LIE AGAIN, AND I WONT

7-6-07 TO 4-15-08

HAVE STRESS OR GET DEPRESS, ALSO MY MEDICAL WAS NOT GOING TO PAY FOR ANOTHER PSYCHOLOGIST IN THE SAME MENTAL HEALTH GROUP. I TOLD THE C.S.P THAT ON THE 4-1-08 INTERVIEW, THAT LASTED 3 1/2 hrs, I EVEN WENT ACROSS THE STREET AND GAVE A URINE SAMPLE AT LABCRO. YOU SEE THE PROBATION DEPARTMENT IS GETTING KICK BACKS FROM THE CENTER FOR SPECIAL PROBLEM, BY SENTENCING PEOPLE TO THERE FACILITY AND CHARGING MEDICAL. MAKING PEOPLE SIGN A PAPER SAYING THAT THEY ARE VOLUNTEERING TO BE SEEN THERE, BUT IN FACT THERE BEING ~~FOR~~ FORCE UNDER THREAT OF INCARCERATION. SO WHEN I RETURNED TO COURT ON 4-2-08 I WAS WITH MY ATTORNEY (FRANZ ~~F~~^{FUETSCHE}) WHEN I WAS ORDER TO STAND UP AND COME OUTSIDE WHERE I WAS ARRESTED BY THE PROBATION DEPT. BEFORE I WAS ABLE TO SEE THE JUDGE, AND DO YOU KNOW MY ATTORNEY (FRANZ ~~F~~^{FUETSCHE}) DID NOTHING EVEN TOLD ME TO GO WITH HIM (AS IF HE WAS IN ON IT) WHILE IN THE PROBATION OFFICE I NOTICE THAT ABOUT 6 PROBATION OFFICER WHERE ALL AROUND ME, AND NOT ONE OF THEM WAS OVER THE HEIGHT OF 5'4 inches TALL, THEN MY PROBATION OFFICER CAME OUT, AND WAS PUTTING ON HIS GLOVES (AS TO INDICATE THAT THEY WERE ABOUT TO WHIP MY ASS) SO THAT WHEN I GOT LOUD SO SOME ONE COULD HEAR ME, THEN ANOTHER PROBATION OFFICER CAME OUT (BLACK GUY) AND ASK WHAT WAS THE PROBLEM

7-6-07 TO 4-15-08

so then all the little probation officers said let hurry up and get him down stairs to C.J. 9- while coming of the elevator Nixon Lazaro trip then caught me to told me in my ear that he was going to use his service revolver on my son if he gets bad, now that statement scared the sh*t out of me, so when I got to C.J. 9 I was very loud, now the Sheriff's knew some thing was wrong because ① half of them knew me and know that I'm not a bad ass, ② when the little probation officer brought me in they did not search me before they got there, and the Sheriff's was mad at them (the little probation officers) so they had left, leaving Nixon Lazaro behind, so when the nurse was interviewing me he (Nixon Lazaro) bent over and put his hand on his Holster as to indicate what he had said [REDACTED] earlier about using his service revolver on my son. When getting arraign in department 15 on 4-4-08 my attorney ^{Fuetsch} ~~Frank~~ took him self off of my case, and I got another attorney Susan Kaplan now while in C pod I wrote to the Northern California Service Legal and ask them to help me file a complaint I filled out a grievance form tell what (A.P.O) Nixon Lazaro said to me about my son, also I written a letter to the Prisoner Legal Service ask them to help me file a complaint with the F.B.I.

7-6-07 4-15-08

I THEN WROTE MY NEW ATTORNEY SUSAN KAPLAN AND INFORM HER~~ME~~ THAT SINCE THE PROBATION DEPT ILLEGALLY ARRESTED ME THAT THEY WOULD TRY TO FRAME ME I ALSO SENT HER A 6 PAGE LETTER EXPLAINING WHAT I AM WRITTING NOW AND ON 4-14-08 JUST AS I WROTE THEY DID (PROBATION DEPT) SAID THAT ON 4-14-08 I COMMITTED A FELONY OF G9 PC/F JUST TO HAVE SOMETHING TO HOLD ME ON, EVEN THOUGH I HAVEN'T BROKEN ANY LAW'S, MADE ALL APPOINTMENTS, ALL COURT DATES, I WAS STILL ARRESTED. WHY? BECAUSE THE CENTER FOR SPECIAL PROBLEM COULDNT GET MY MEDICAL TO PAY FOR ME, ALSO THEY DIDN'T LIKE MY ANSWER'S, BUT I NEVER SEEN ANY SIGN IN THERE OFFICE SAYING WE RESERVE THE RIGHT TO REFUSE SERVICE TO ANYONE, OR EVEN THOUGH WE SUPPOSED TO TREAT PEOPLE WITH SPECIAL PROBLEM'S IF YOUR TO SPECIAL WE CAN'T TREAT YOU. ALSO THE CENTER FOR SPECIAL PROBLEM BROKE PATIENT DOCTOR CONFIDENTIALITY (HIPAA) WHAT EVER THE CASE IS, I'M IN JAIL FOR TELLING THE TRUTH. MEDICAL NEEDS TO BE INFORM ALSO THE I.R.S. AND THE F.B.I FOR INVESTIGATION ALSO THE COURTS & SHERIFF DEPT. HAS SHOWN DELIBERATE INDIFFERENCES

P.S. EVERY ONE WHO I SENT THIS LETTER TO GOT THEM ~~REPLY~~ EXCEPT MY ATTORNEY (GO FIGURE) PLEASE CHECK EVERY THING I WROTE OUT

MIA 

I MARK A COTTONHAM HEREBY AUTHORIZE
THE FOLLOWING ORGANIZATIONS AND PEOPLE FULL
DISCLOSURE ON INFORMATION ABOUT MY MEDICAL
RECORDS, CRIMINAL RECORDS, COURT TRANSCRIPTS
MENTAL HEALTH RECORDS, RENT AND LEASE RECORDS,
JAIL HOUSING RECORDS INCUSTODY DISCIPLINARY RECORDS
D.M.V. RECORDS AND ALL OTHER INFORMATION NEEDED
TO INVESTIGATE MATTERS ABOUT MARK COTTONHAM

THESE ARE THE ORGANIZATIONS WITH FULL ACCESS
TO MY INFORMATION: A.C.L.U., F.B.I., I.R.S.,
N.A.A.C.P., MEDICAL INVESTIGATION UNIT, V.A.,
BAYVIEW MENTAL HEALTH, JUDICIAL REVIEW BOARD,
FOR SEATING JUDGES, K.R.O.N CHANNEL 4, KGO CHANNEL 7
K.T.V.U. CHANNEL 2 AND ALL THEIR AFFILIATES STATIONS
CALIFORNIA LAWYER FOR THE ARTS, DISTRICT ATTORNEY CON-
SUMER FRAUD UNIT U.S. DISTRICT ATTORNEY,
CITIZEN COMPLAINT BOARD, SAN FRANCISCO CITY SUPERVISOR'S
AMERICAN INDIAN TRIBAL COUNSEL OF ██████ NORTHERN CA.
NATION OF ISLAM, CATHOLIC CHARITY'S, MEDICAL INVESTIGATION
FRAUD UNIT, INTERNAL AFFAIRS, HOME LAND SECURITY
AND ANY OTHER ORGANIZATION THAT WILLING TO HELP
IN THE INVESTIGATION ON HOW MARK A COTTONHAM'S
CIVIL AND HUMAN RIGHT HAS BEEN VILIFIED.

ALSO U.S. DISTRICT COURTS NORTHERN DISTRICT OF C.A.
ON APRIL 20, 2008 6-13-08 710 wj
H A LF

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: PLEASE READ ATTACH PAPER: 7 PAGES
6 (PLEASE FOR GIVE MY SPELLING)

7 Supporting Facts: _____

8 _____
9 _____
10 _____

11 Claim Two: _____

12 _____
13 Supporting Facts: _____
14 _____
15 _____
16 _____

17 Claim Three: _____

18 _____
19 Supporting Facts: _____
20 _____
21 _____
22 _____

23 If any of these grounds was not previously presented to any other court, state briefly which
24 grounds were not presented and why:

25 NONE OF THESE FACT'S WAS
26 REVIEWED IN COURT

27 _____
28 _____

1 List, by name and citation only, any cases that you think are close factually to yours so that they
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning
3 of these cases:

4 I DONT HAVE ACCESS to ANY LAW Book OR ANYTHING LIKE THAT
5 SO I CAN ONLY GO By What's THE TRUTH, AT THE TIME OF my PLEA
6 I WAS ON 240 milagrim of Mefim. ALSO I DIDN'T KNOW WHAT I WAS PLEADING
7 TOO!

Do you have an attorney for this petition? Yes No

If you do, give the name and address of your attorney:

9 his NAME is FRANZ FUETSCH I DON'T KNOW HIS ADDRESS

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12
13 Executed on JUNE 15, 2008

W A H

14 Date

Signature of Petitioner

20 (Rev. 6/02)

21
22
23
24
25
26
27
28

MARK COTTO
850 BEXAH ST.
SAN FRANC. C.A 94103
SAN FR.

RECEIVED
MAY 11 1968
U.S. District Court
450 Golden Gate Ave. Box 94102
TO CLERK OF THE
SAN FRANCISCO C.A.

RECEIVED
MAY 11 1968
U.S. District Court
450 Golden Gate Ave. B
SAN FRANCISCO, CALIFORNIA 94102